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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: : G. Leffers  
DIU-HERCEND et al :  
Serial No.: 09/674,109 : Group: 1636  
Filed: June 21, 2001 :  
For: METHOD ...S.CERVISIAE :

600 Third Avenue  
New York, N.Y. 10016  
April 17, 2003

**RESPONSE**

Hon. Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants are submitting herewith a nucleotide and/or amino sequence listing for the sequences disclosed in the application. Also enclosed is a copy of the sequence listing in computer readable form which does not differ from the paper sequence. The contents of the paper or compact disk in the computer readable form are the same and where applicable, include no new matter as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d). A copy of the notice dated December 18, 2002 is enclosed herewith.

Respectfully submitted,  
Muserlian, Lucas and Mercanti

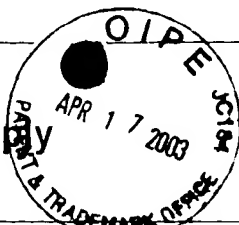
Charles A. Muserlian, 19,683  
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CAM:ds  
Enclosures

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**Notice to Comply**

Application No.

09/674,109

Examiner

Gerald G. Leffers Jr.

Applicant(s)

DIU-HERCEND ET AL.

Art Unit

1636

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequences are present throughout the specification that do not have sequence identifiers. IF THE SEQUENCES ARE PRESENT IN THE SEQUENCE LISTING, THERE IS NO NEED TO SUPPLY NEW COPIES OF THE CRF OR PAPER SEQUENCE LISTING-SIMPLY AMEND THE SPECIFICATION TO INCLUDE THE APPROPRIATE SEQ ID NOS. IF THE SEQUENCES ARE NOT PRESENT IN THE CURRENT SEQUENCE LISTING, NEW COPY, CRF AND ATTORNEY'S STATEMENT REQUIRED.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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